

REMARKS

The present Amendment amends claims 32, 34, 41 and 43, leaves claims 35-39 and 44-51 unchanged, cancels claims 31, 33, 40 and 42 and adds new claims 52-53. Therefore, the present application has pending claims 32, 34-49, 41 and 43-53.

Applicants acknowledge the Examiner's indication in paragraph 12 of the Office Action that claims 49-51 are allowed.

Further, Applicants acknowledge the Examiner's indication in paragraph 13 of the Office Action that claims 34-39 and 43-48 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Amendments were made to claims 34-39 and 43-48 to place them in independent form including all the limitations of the base claims and any intervening claims. Therefore, claims 34-39 and 43-48 are allowable as indicated by the Examiner.

It should be noted that claim 32 was amended to depend from claim 34 and claim 41 was amended to depend from claim 43. Thus, each of claims 32 and 41 have been amended to depend from allowable base claims. Accordingly, claims 32 and 41 are allowable as indicated by the Examiner since they now depend from allowable base claims.

Claims 31-33 and 40-42 stand rejected under 35 USC §103(a) as being unpatentable over Kern (U.S. Patent No. 5,870,537) in view of Yanai (U.S. Patent No. 5,544,347). As indicated above, claims 31, 33, 40 and 42 were canceled. Therefore, this rejection with respect to claims 31, 33, 40 and 42 is rendered moot. Also, as indicated above, claims 32 and 41 were amended to depend from allowable base claims. Thus, claims 32 and 41 are

allowable as indicated by the Examiner since they depend from allowable base claims. Therefore, this rejection with respect to claims 32 and 41 is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the cancellation of claims 31, 33, 40 and 42 was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 31, 33, 40 and 42 are taught or suggested by any of the references of record whether taken individually or in combination with each other. The cancellation of claims 31, 33, 40 and 42 was simply intended to expedite prosecution of the present application.

In the Office Action the Examiner rejected claims 31-33 and 40-42 on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1-12 of prior patent No. 6,615,332 and provisionally rejected claims 31-33 and 40-42 on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1-16 of copending application Serial No. 10/831,138. As per the above, since claims 31, 33, 40 and 42 were canceled and the dependency of claims 32 and 41 were changed to depend from claims 34 and 43 respectively, these rejections are rendered moot. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

As indicated above, the present Amendment adds new claims 52 and 53. New claims 52 and 53 recite various features of the present invention which have already been acknowledged by the Examiner as being allowable over the prior art of record. Therefore, the same reasons for allowance of

claims 34-39 and 43-51 apply as well to new claims 52 and 53. Accordingly, claims 52 and 53 are allowable over the prior art of record.

In view of the foregoing amendments and remarks, applicants submit that claims 32, 34-39, 41 and 43-53 are in condition for allowance. Accordingly, early allowance of claims 32, 34-39, 41 and 43-53 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.36547CC3).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120